

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/21/2020
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AQUAVIT PHARMACEUTICALS, INC.,

Plaintiff,

- against -

U-BIO MED, INC., et al.,

Defendants.
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19-CV-3351 (VEC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This resolves the letter motions made by Defendants (seeking a conference to address Plaintiff's alleged failure to produce discovery) (Dkt. 205) and Plaintiff (seeking sanctions for Defendants' failure to produce sanctions-related discovery by December 16, 2020, as required by the Court) (Dkt. 206).

1. Defendants' request for a discovery conference is denied without prejudice. Plaintiff has had more than enough time to respond to Defendants' October 23, 2020 letter and may not put the primary case discovery on a slow track. Although the Court denied Defendants' request to put sanctions and the primary case on the same track (which would have unnecessarily delayed the sanctions issues), that does not mean that Plaintiff may ignore the primary case while attending to the sanctions issues. Accordingly, by **December 30, 2020**, Plaintiff shall fully respond to Defendants' discovery concerns raised in the October 23, 2020 letter. By **January 14, 2021**, the parties shall meet and confer to fully discuss the discovery issues and to set a schedule for the remainder of the case, which they shall propose to the Court by **January 21, 2021**. If and to the extent the

parties reach an impasse, they shall write to the Court by **January 21, 2021**, identifying the issues and may request a conference to resolve them.

2. The parties may address the issue of sanctions for Defendants' failure to comply with sanctions-related discovery in the upcoming sanctions briefing.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 21, 2020
New York, New York

Copies transmitted this date to all counsel of record.